

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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CATLIN INSURANCE COMPANY, FPG	:	
CLINTON ACQUISITION, LLC, FORTIS	:	
PROPERTY GROUP LLC, and WONDER	:	
WORKS CONSTRUCTION CORP.,	:	23-CV-5355 (VSB)
	:	
Plaintiffs,	:	<u>ORDER</u>
	:	
-against-	:	
	:	
SENTINEL INSURANCE COMPANY,	:	
LTD. and CONTACT PLUS ELECTRICAL	:	
CORP.,	:	
	:	
Defendants.	:	
-----X	:	

VERNON S. BRODERICK, United States District Judge:

On July 17, 2024, I directed Plaintiffs to “file a sworn affidavit, within seven days of this Opinion & Order, listing the members of [FPG Clinton Acquisition, LLC (“FPG”)] and [Fortis Property Group, LLC (“Fortis”)] and the state of which each member is a citizen.” (Doc. 58 at 8.) After I twice extended the deadline for Plaintiffs to comply with my Order, (Docs. 60 & 62), Partom Palazzo, Fortis’s Chief Financial Officer, filed an affidavit listing the “directors and officers” of Fortis “as of today.” (Doc. 63 ¶ 1.) The affidavit, however, fails to comply with my Order in two respects. First, it does list the members of FPG. Second, although the affidavit lists certain of Fortis’s “directors and officers,” it does state that those individuals are also Fortis’s members.¹ Accordingly, it is hereby

ORDERED that Plaintiffs shall file an affidavit, by August 20, 2024, listing the members

¹ Even if the named individuals are Fortis’s only members, the affidavit would still be deficient because it fails to name the state of which each member is a citizen. *See Hoguet Newman Regal & Kenney, LLP v. Lowe*, No. 21-CV-1048, 2021 WL 4638539, at *1 (S.D.N.Y. Oct. 6, 2021) (concluding that “pleading a defendant’s address is insufficient to establish citizenship” (internal quotation marks and alterations omitted)).

of FPG and Fortis and the state of which each member is a citizen. If Plaintiffs fail to do so, I will dismiss this case for lack of subject matter jurisdiction.

IT IS FURTHER ORDERED that Sentinel's time to file an amended notice of removal is extended to fourteen days after Plaintiffs file an affidavit that properly asserts the basis for my jurisdiction.

The Clerk of Court is respectfully directed to terminate the motion pending at Doc. 64.

SO ORDERED.

Dated: August 14, 2024
New York, New York

A handwritten signature in black ink, reading "Vernon Broderick". The signature is written in a cursive, flowing style. The first name "Vernon" is written with a large, prominent "V". The last name "Broderick" is written in a similar cursive style. The signature is positioned above the printed name and title.

Vernon S. Broderick
United States District Judge